

CHAPTER 05

**CASEWORK SERVICES PRIOR
TO
COURT INVOLVEMENT**

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 05—CASEWORK SERVICES PRIOR TO COURT INVOLVEMENT**

Table of Contents

	<u>Page</u>
05.01 INTRODUCTION	1
05.05 CPS REFERRALS – INVOLVEMENT OF ALL INDIAN TRIBES BEFORE COURT INTERVENTION	2
05.10 INDIAN INTERPRETER – CPS CASES	4
05.15 REPORTS TO LAW ENFORCEMENT	5
05.20 SERVICES TO INDIAN FAMILIES PRIOR TO COURT ACTION	8
05.25 REMEDIAL AND REHABILITATIVE SERVICE PLAN	8
05.30 CHILD PROTECTIVE TEAM STAFFINGS	9
05.35 IMPLEMENTATION OF THE SERVICE PLAN	10
05.40 FAMILY RECONCILIATION SERVICES	10

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 05—CASEWORK SERVICES PRIOR TO COURT INVOLVEMENT**

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 05—CASEWORK SERVICES PRIOR TO COURT INVOLVEMENT**

05.01 INTRODUCTION

- A. The Children's Administration (CA) Child Protective Services (CPS) worker follows the policies and procedures outlined in the manuals below. If there is a conflict between provisions between the procedures contained in the CA *Practices and Procedures Guide*, the social worker and the supervisor follow the CPS procedures in sections 05.05 through 05.25 of this manual. The relevant CA manual sections, in addition to this manual, include:
- *Case Services Policy Manual* – Chapter 2000, section 2100
 - *Case Services Policy Manual* – Chapter 3000, section 3200
 - *Case Services Policy Manual* – Chapter 4000, section 4100
 - *Case Services Policy Manual* – Chapter 4000, section 4400
 - *Case Services Policy Manual* – Chapter 4000, section 4500
 - *Case Services Policy Manual* – Chapter 4000, section 6100
 - *Practices and Procedures Guide* – Chapter 2000, section 2200
 - *Practices and Procedures Guide* – Chapter 2000, section 2300
 - *Practices and Procedures Guide* – Chapter 2000, section 2400
 - *Practices and Procedures Guide* – Chapter 2000, section 2500
 - *Practices and Procedures Guide* – Chapter 2000, section 2600
 - *Practices and Procedures Guide* – Chapter 2000, section 2700
- B. The CA Family Reconciliation Services (FRS) social worker and the supervisor follow the procedures found in the CA manuals outlined below as well as the procedures found in section 05.45 of this chapter. If there is a conflict between procedures in the *Practices and Procedures Guide* and the provisions of this manual, the social worker and the supervisor follow the procedures in section 05.45 of this chapter. The relevant CA manual sections, in addition to this manual, include:
- *Case Services Policy Manual* – Chapter 2000, section 2200
 - *Case Services Policy Manual* – Chapter 3000, section 3300
 - *Case Services Policy Manual* – Chapter 4000, section 4300
 - *Practices and Procedures Guide* – Chapter 3000, section 3121
 - *Practices and Procedures Guide* – Chapter 3000, section 3132
 - *Practices and Procedures Guide* – Chapter 3000, section 3133

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 05—CASEWORK SERVICES PRIOR TO COURT INVOLVEMENT**

- *Practices and Procedures Guide* – Chapter 3000, section 3140
 - *Practices and Procedures Guide* – Chapter 3000, section 3450
 - *Practices and Procedures Guide* – Chapter 3000, section 3500
- C. All social workers follow the procedures pertaining to general out-of-home placement and child welfare practice requirements contained in the CA *Practices and Procedures Guide*, chapter 4000, as well as the provisions found in sections 05.30 through 05.40 of this chapter. If there is a conflict between provisions, the social worker and the supervisor follow the procedures in sections 05.30 through 05.40 of this chapter.

05.05 CPS REFERRALS - INVOLVEMENT OF ALL INDIAN TRIBES BEFORE COURT INTERVENTION

- A. Upon receipt of a screened-in CPS referral involving an Indian child, as defined in Chapter 03, section 3.10, the CPS social worker:
1. Furnishes the child's Tribe with information to:
 - a. Establish the child's membership status;
 - b. Provide notification of court proceedings; and/or
 - c. Do CPS case planning for the child.
 2. Notifies the child's Tribe of the CPS referral immediately; e. g., telephone, fax, e-mail;
 3. Provides additional information upon request of the child's Tribe if the Tribe has intervened as a party in a child custody proceeding involving the child;
 4. When the child's Tribe requests additional information and the Tribe has not intervened in a child custody proceeding, makes reasonable attempts to secure parental consent or a court order authorizing disclosure to the Tribe;

CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 05—CASEWORK SERVICES PRIOR TO COURT INVOLVEMENT

5. With proper authority to disclose information, furnishes the Tribe or a tribally designated organization, upon request, with all case record material, reports, family social histories, or other documents related to an incident of abuse and/or neglect, and:
 - a. Clearly designates the case record material as "CONFIDENTIAL INDIAN CHILD WELFARE INFORMATION";
 - b. Does not divulge the names of confidential referrers to the tribal designee without the permission of the referrer; and
 - c. Does not divulge information related to the HIV/AIDS status of the child or the child's parent(s) except in accordance with written CA policies and guidelines. See the *CA Operations Manual*, chapter 5000, section 5700;
 - d. See chapter 04 for additional information on disclosure;
6. Staffs all cases involving Indian children with the tribal designee from the child's Tribe. If a tribal designee is not available, the social worker consults on the case with the appropriate LICWAC. See Chapter 10 for LICWAC procedures.
7. Contacts tribal social services to explore available services that will:
 - a. Address the safety needs of the child;
 - b. Assist the parent to retain custody of the child; and
 - c. Further the child's tribal relationship.

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 05—CASEWORK SERVICES PRIOR TO COURT INVOLVEMENT**

8. Makes **active efforts** to prevent out-of-home placement by providing culturally sensitive services. See section 05.30.
 9. Involves the child's Tribe within one working day if emergency circumstances necessitate investigation or protective services intervention prior to involving the Tribe.
- B. CA Intake will send CPS referrals that Intake does not screen in to the Tribe for the Tribe's information.

05.10 INDIAN INTERPRETER - CPS CASES

- A. Whenever possible, upon receipt of a screened-in complaint or referral involving child abuse/neglect of an Indian child, the CPS social worker contacts a person to serve as an Indian interpreter or translator. An Indian interpreter is a person knowledgeable of the culture, customs, child rearing practices, and standards of the child's Tribe. See chapter 14, Definitions.
1. The worker consults with the worker's direct supervisor to identify possible resources.
 2. When the CPS social worker, family member, or Tribal social worker feels a need for assistance in communicating with the Indian family in the family's own language, the CPS worker contacts the child's Tribe, an Indian organization, the CA ICW program manager, or the LICWAC to identify a suitable interpreter.
 3. See Chapter 10 for LICWAC procedures and Chapter 14 for definition of "Indian organization" and "Indian interpreter."
- B. The CPS social worker involves an Indian interpreter to assist the worker to:

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 05—CASEWORK SERVICES PRIOR TO COURT INVOLVEMENT**

1. Communicate with the Indian family;
2. Avoid unnecessary protective services, intervention, or removal of children;
3. Secure emergency placement in a relative's home or another Indian home in accordance with the placement preference of the Tribe or of this manual, described in Chapter 07;
4. Comply with the notification requirements of this manual, Chapter 06; and
5. Secure reliable identification of the child as an Indian child, in accordance with Chapter 03, regarding determination of a child's Indian status.

05.15 REPORTS TO LAW ENFORCEMENT

- A. For purposes of complying with the requirements of this section, the term "appropriate law enforcement agency" means the police agency responsible for enforcing criminal laws in the geographical area where an incident occurred.
 1. If the incident occurred within the boundaries of an Indian reservation, the CPS worker must report the incident to the tribal police. If the Tribe does not have a police agency, the CPS worker must report to the area Federal Bureau of Investigation (FBI) and or the local city or county law enforcement agency.
 2. The CPS worker must also, when appropriate and consistent with local or regional agreements with the Tribe contained in chapter 02, report the incident to the police agency for the county and/or city in which the incident occurred.

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 05—CASEWORK SERVICES PRIOR TO COURT INVOLVEMENT**

- B. The social worker or supervisor must report, as required by RCW 26.44.030 and RCW 74.13.031, to law enforcement alleged incidents of child abuse or neglect in accordance with the *CA Practices and Procedures Guide*, chapter 2000, section 2571. The social worker or supervisor may send the report via mail, fax, or e-mail.
1. CA must report to the appropriate law enforcement agency, in accordance with local office procedures, within 24 hours of the department's receipt of a report in which Intake labels the response time as "emergent" and Intake believes the child's welfare to be in immediate danger.
 2. With the exception of a child fatality or near fatality, which the social worker must report immediately, the social worker or the worker's supervisor must notify law enforcement within 72 hours of receipt of any reported incident of:
 - a. Sexual abuse;
 - b. Non-accidental physical injury of a child;
 - c. Incidents where the investigation reveals reasonable cause to believe that a crime against a child may have been committed.
 3. Unless otherwise agreed in a local written working agreement with law enforcement, developed in consultation with the Attorney General's Office, CA staff making an oral report to law enforcement must, within five working days of receipt of the referral, also report in writing. The person making the report:
 - a. Must file a copy of the report in the CA case file or in an administrative file when no case record exists; or
 - b. May use a CAMIS Law Enforcement Report to comply with the requirement for a written referral.

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 05—CASEWORK SERVICES PRIOR TO COURT INVOLVEMENT**

4. The social worker or the worker's supervisor may release referrer identification information to law enforcement in all instances where the referrer has not requested confidentiality. The social worker or the worker's supervisor:
 - a. May delete the name of the referrer from reports sent to law enforcement when the referrer requests confidentiality and no written agreement to honor that status exists; and
 - b. May include the name of the confidential referrer when the local written protocol with law enforcement and prosecutors contains the agreement to hold the name confidential.
 5. CA must, when contacted, accept information about third party CA/N. Intake must then record this information and forward it to law enforcement when it meets the statutory definition of what is to be reported.
 6. CA may share information with law enforcement about CA/N referrals not requiring reports when law enforcement is investigating CA/N involving the child victim.
- C. See the *CA Practices and Procedures Guide*, chapter 2000, section 2573, for information regarding law enforcement assistance for taking a child into custody.
- D. See the *CA Practices and Procedures Guide*, chapter 2000, section 2574, regarding the requirement for CA offices to maintain written working agreements with local law enforcement agencies.

05.20 SERVICES FOR INDIAN FAMILIES PRIOR TO COURT ACTION

- A. Before filing a dependency, guardianship, or involuntary termination of parental rights petition in state court, the CA social worker must make **active efforts** to provide social services to the family for protection of an Indian child.
 - 1. The social worker must make **active efforts** only when the circumstances of the family, viewed in light of the prevailing social and cultural conditions and the way of life of the Indian community:
 - a. Require the provision of social services for the protection of the child; and
 - b. To support the relationship between the child and the parent(s)/Indian custodian.
 - 2. **Active efforts** include those services the social worker actively provides to rehabilitate and/or prevent the breakup of the family. **Active efforts** require more direct involvement by the social worker with the family than reasonable efforts.
- B. The CA social worker will jointly develop and, whenever possible, provide the services in consultation with the social services program of the child's Tribe.

05.25 REMEDIAL AND REHABILITATIVE SERVICE PLAN

The CA social worker provides remedial and rehabilitative services based on a written plan designed to effectively address and eliminate problems that are destructive to the family. The social worker must design a plan:

- A. Formulated with the direct collaboration of the child's parent(s), Indian custodian, if any, the child (if of sufficient age), grandparents (when appropriate), other relatives (when appropriate), the child's Tribe, and a qualified expert. See Chapter 14 for definition of "qualified expert";

**CHILDREN'S ADMINISTRATION
INDIAN CHILD WELFARE MANUAL
CHAPTER 05—CASEWORK SERVICES PRIOR TO COURT INVOLVEMENT**

- B. That ensures that the worker makes **active efforts** to prevent and eliminate the need for removal of the child from the family home;
- C. That takes into account the prevailing social and cultural conditions in the child's Indian community;
- D. That encourages maintenance of an ongoing familial relationship between the parent(s) or Indian custodian and the child, as well as among the child, the child's siblings, and other members of the child's extended family throughout the time the social worker engages in **active efforts** to prevent family breakup; and
- E. That encourages maintenance of an Indian child in the child's own family residence.

05. 30 CHILD PROTECTIVE TEAM STAFFINGS

- A. The CA *Practices and Procedures Guide* outlines requirements for Child Protective Team (CPT) staffings. When a CA social worker needs to have a CPT staffing involving an Indian child in the custody of the department and that child is a member of a federally recognized Indian Tribe, the social worker contacts the social services program of the child's Tribe to request such a staffing using the following preferences:
 - 1. The Tribe's CPT; or
 - 2. A LICWAC/CPT or other CPT designated by the Tribe; or
 - 3. A regular CPT with Tribal or LICWAC participation, in person or by telephone.
- B. See Chapter 11 for procedures regarding CPT staffing of cases involving Canadian First Nation or Recognized Indian Children.

05.35 IMPLEMENTATION OF THE SERVICE PLAN

The social worker's implementation of the plan must stress the use and involvement, where available, of community services and resources specifically designed for Indian families. These services and resources include, but are not limited to:

- A. Extended family;
- B. Tribal social services and other services offered by the department, including FRS;
- C. Indian organization programs aimed at preventing family breakup;
- D. Traditional Indian therapy administered by traditional practitioners, where available;
- E. Individual Indian caregivers who have skills to help the family;
- F. Indian Health Service;
- G. Qualified expert(s), as defined in chapter 14; and
- H. Bureau of Indian Affairs.

05.40 FAMILY RECONCILIATION SERVICES

If the parent of an Indian child requests Family Reconciliation Services (FRS), and such services are appropriate, the CA social worker must contact the child's Tribe within 24 hours to determine if the Tribe offers such services.

- A. If the child's Tribe offers FRS, then the CA social worker refers the family for appropriate services.
- B. If the child's Tribe does not offer FRS, the CA social worker refers the child's family to an FRS contractor in accordance with the CA *Practices and Procedures Guide*, chapter 3000.